

REMARKS

This Reply is in response to the Final Office Action mailed on January 30, 2008 in which claims 1, 2, 5-8, 10, 12, 16, 26, 28-34, 36-38, 52-60 and 62-70 were rejected. With this response, claims 64 and 65 are canceled; and claims 63 and 69 are amended. Claims 1, 2, 5-8, 10, 12, 16, 26, 28-34, 36-38, 52 -60 and 62-63 and 66-70 are presented for reconsideration and allowance.

I. Request for Withdrawal of the Final Office Action Mailed on January 30, 2008

Applicants respectfully request that the Final Office Action be withdrawn since the Final Office Action rejects claims 1, 16, 69 and 70 based upon new ground of rejection NOT necessitated by Applicants' amendment.

MPEP 706.07(a) states:

... a second or any subsequent action on the merits in any application ... will not be made final if it includes a rejection, on newly cited art ... of any claim not amended by applicants or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

A. Claim 1

The Office Action mailed on August 1, 2007 rejected claim 4 under 35 USC 102(b) based upon Wen US Patent 6076917. In the response filed on November 1, 2007, claim 4 was canceled and its limitations, along with the limitations of intervening claims 3, were incorporated into base claim 1. Thus, claim 1 corresponds to former claim 4. The Final Office Action now rejects claim 1 under 35 USC 102(e) based upon Barinaga US Patent 6585350 and under 35 USC 102(e) based upon Kitahara US Patent 6672705, both new grounds of rejection. Since claim 1 corresponds to former claim 4, this new ground of rejection was not necessitated by Applicants' amendment. Thus, the finality of the Office Action is improper and should be withdrawn.

B. Claim 16

The Office Action mailed on August 1, 2007 rejected claim 16 under 35 USC 103(a) based upon Wen US Patent 6076917 and Rezanka US Patent 5570118. In the response filed on November 1, 2007, claim 16 was amended to merely incorporate the limitations of former base claim 13. Thus, claim 16 was identical in all respects to former claim 16. The Final Office Action now rejects claim 16 under 35 USC 102(c) based upon Kitahara US Patent 6672705, a new ground of rejection. Since claim 16 corresponds to former claim 16, this new ground of rejection was not necessitated by Applicants' amendment. Thus, the finality of the Office Action is improper and should be withdrawn.

C. Claims 69 and 70

The Office Action mailed on August 1, 2007 rejected claim 63 and 67 under 35 USC 102(b) based upon Wen US Patent 6076917. In the response filed on November 1, 2007, claims 63 and 67 were rewritten in independent form as added claim 69 and 70. Thus, claims 69 and 70 are identical in all respects to former claims 63 and 67. The Final Office Action now rejects claims 69 and 70 under 35 USC 102(c) based upon Barinaga US Patent 6585350 and under 35 USC 102(e) based upon Kitahara US Patent 6672705, both new ground the rejection. Since claim 69 and 70 correspond to former claims 63 and 67, respectively, these new grounds of rejection were not necessitated by Applicants' amendment. Thus, the finality of the Office Action is improper and should be withdrawn.

Accordingly, the finality of the Office Action mailed on January 30, 2008 is improper. The Office Action mailed on January 30, 2008 should be withdrawn. As noted in the MPEP, the previous Final Office can back it should be withdrawn and a new non-final Office Action including consideration of the present amendments should be issued.

II. Rejection of Claims 1-2, 26, 28-29 and 62-70 under 35 USC 102(c) based upon Barinaga

Section 2 of the Office Action rejected claims 1-2, 26, 28-29 and 62-70 under 35 USC 102(e) as being anticipated by Barinaga US Patent 6585350. Claims 64 and 65 are canceled. Claims 1-2, 26, 28, 29 and 62-63 and 66-68, as amended, overcome the rejection based upon Barinaga.

A. Claim 1

Claim 1 recites a printing system which includes (1) a first set of print bar assemblies configured to transfer a first percentage of an imaging medium onto a first side of the print media, (2) a second set of print bar assemblies configured to transfer a second percentage of the imaging medium onto the first side of the print media and (3) at least one other set of print more assemblies. Each individual set of print bar assemblies is configured to transfer a percentage of the imaging medium corresponding to the number of print bar assembly sets.

Barinaga fails to disclose individual sets of print bar assemblies are configured to transfer a percentage of the imaging medium corresponding to the number of print bar assembly sets. Barinaga is absolutely silent on this point. Accordingly, the rejection of claim 1 should be withdrawn. Claims 4 and 62-63 and 65-67 depend from claim 1 and overcome the rejection for the same reasons.

B. Claim 26

Claim 26 recites a method which includes transferring a first percentage of an imaging medium onto a first side of the print media with a first printing unit and transferring a second percentage of the imaging medium onto the first side of the print media with a second print unit. The percentages of the imaging medium transferred onto the print media with the print units correspond to the number of print units.

Barinaga fails to disclose multiple print units which transfer percentages of imaging medium which correspond to the number of print units used to transfer the total amount of imaging medium. In rejecting claim 26, the Office Action asserts that Barinaga discloses this

and simply refers to Figures 2-5 of Barinaga. However, neither Figures 2-5 nor any other portion of Barinaga discloses that the percentage of imaging medium applied by the bar 220 corresponds to the number of such units. In other words, Barinaga does not disclose that print bars 220(3 of them total) each transfer 33% of the imaging medium onto the print media. Accordingly, the rejection of claim 26 based upon Barinaga should be withdrawn. The rejection of claims 28, 29 and 68, which depend from claim 26, should be withdrawn for the same reasons.

C. Claim 28

Claim 29 depends from claim 26 further recites transferring at least one more percentage of the imaging medium with one or more print bar assemblies onto the print media with one or more print bar assemblies of at least one other print unit, a percentage of the imaging medium transferred onto the print media by a print in a corresponding to the number of print units.

Barinaga fails to disclose that a percentage of imaging medium transferred onto the print media that corresponds to the number of units. Accordingly, the rejection of claim 29 should be withdrawn.

D. Claim 67

Claim 67 depends from claim 1 and recites that a first set of print bar assemblies transfers a chromatic color, a second set of print bar assemblies transfers the same chromatic color AND that the first print bar assembly and the second print bar assembly transfer substantially the same percentages of imaging medium onto the print media, the percentages corresponding to a number of print bar assembly sets in the printing system.

Nowhere does Barinaga even remotely disclose print bar assemblies that transfer the same chromatic color AND that the first print bar assembly and the second print bar assembly transfer substantially the same percentages of imaging medium onto the print media, the percentages corresponding to a number of print bar assembly sets in the printing system. The Office Action merely refers to Figures 2-5. Applicants respectfully request the Examiner specifically point out

where Barinaga allegedly discloses the claim limitations. Otherwise, Applicants respectfully request the rejection of claim 67 be withdrawn

E. Claim 68

Claim 68 depends from claim 26 and further recites a total amount of imaging medium is transferred onto a first side of the print media with a total number N of print units, wherein each print unit transfers a percentage of the imaging medium substantially equal to $100\%/N$.

Barinaga fails to even remotely disclose the limitations of claim 68. Nowhere does Barinaga disclose a total amount of imaging medium is transferred onto a first side of the print media with a total number N of print units, wherein each print unit transfers a percentage of the imaging medium substantially equal to $100\%/N$.

In rejecting claim 68, the Office Action simply refers to Figures 2-5 of Barinaga. However, Figures 2-5 illustrate nothing regarding the limitations of claim 68. The Office Action has failed to establish a prima facie case of anticipation. Accordingly, the rejection should be withdrawn.

F. Claim 69

Claim 69, as amended, recites a printing system which includes a first set of print bar assemblies, a second set of print bar assemblies and a third set of print bar assemblies. The first set of print bar assemblies, the second set of print bar assemblies and the third set of print bar assemblies each collectively span a width of the print media. Each print bar assembly of the first set of print bar assemblies and the second set of print bar assemblies transfers a first color of imaging medium across an entire width of the print media. The third set of print bar assemblies are located between the first set of print bar assemblies and the second set of print bar assemblies and transfer a second different color of imaging medium onto the print media.

Barinaga fails to disclose three sets of print bar assemblies, wherein the middle print bar assembly transfer is a different color than the first and third print bar assemblies. Accordingly, claim 69, as amended, overcomes the rejection.

G. Claim 70

Claim 70 recites a printing system which includes a first set of print bar assemblies and a second set of print bar assemblies that transfer the same chromatic color and wherein the first set of print bar assemblies and the second set of print bar assemblies that transfer the same percentage of the imaging medium, the percentages corresponding to a number of print bar assembly sets in the printing system.

Barinaga does not even remotely disclose such versus second print sets of print bar assemblies transferring the same chromatic color and the same percentage of imaging medium. Accordingly, rejection of claim 70 should be withdrawn.

III. Rejection of Claims 1-2, 5-8, 10, 12, 16, 26, 28-34, 36-38, 52-60 and 62-70 under 35 USC 102(e) based upon Kitahara

Section 3 of the Office Action rejected claims 1-2, 5-8, 10, 12, 16, 26, 28-34, 36-38, 52-60 and 62-70 under 35 USC 102(e) as being anticipated by Kitahara US Patent 6672705. Claims 64 and 65 are canceled. Claims 1-2, 5-8, 10, 12, 16, 26, 28-34, 36-38, 52-60 and 62-70, as amended, overcome rejection based upon Kitahara.

A. Claim 1

Claim 1 recites a printing system which includes (1) a first set of print bar assemblies configured to transfer a first percentage of an imaging medium onto a first side of the print media, (2) a second set of print bar assemblies configured to transfer a second percentage of the imaging medium onto the first side of the print media and (3) at least one other set of print bar

assemblies. Each individual set of print bar assemblies is configured to transfer a percentage of the imaging medium corresponding to the number of print bar assembly sets.

Kitahara fails to disclose individual sets of print bar assemblies are configured to transfer a percentage of the imaging medium corresponding to the number of print bar assembly sets. Kitahara is absolutely silent on this point. Accordingly, the rejection of claim 1 should be withdrawn. Claims 2, 5-8, 10, 12, 52-60 and 62-63 and 66-67 depend from claim 1 and overcome the rejection for the same reasons.

B. Claim 16

Claim 16 recites a printing system which includes print units configured to transfer imaging medium onto a same side of a medium. The print units include a first print unit configured to transfer a first colored chromatic imaging medium and a second color chromatic imaging medium to the medium, a second print unit configured to transfer the same first colored chromatic imaging medium and the same second color chromatic imaging medium to the medium and a print unit that is configured to transfer fixer to the medium.

Nowhere does Kitahara remotely disclose a print unit that transfers fixer to the medium. The Office Action failed to even address this limitation of claim 16. As a result, the Office Action fails to establish even a prima facie case of anticipation with regard to claim 16. Accordingly, the rejection of claim 16 should be withdrawn.

C. Claim 26

Claim 26 recites a method which includes transferring a first percentage of an imaging medium onto a first side of the print media with a first printing unit and transferring a second percentage of the imaging medium onto the first side of the print media with a second print unit. The percentages of the imaging medium transferred onto the print media with the print units correspond to the number of print units.

Kitahara fails to disclose multiple print units which transfer percentages of imaging medium which correspond to the number of print units used to transfer the total amount of imaging medium. In rejecting claim 26, the Office Action asserts that Kitahara discloses this and simply refers to Figures 2-8 of Kitahara. However, neither Figures 2-8 nor any other portion of Kitahara discloses that the percentage of imaging medium applied by the head blocks or head units of Kitahara corresponds to the number of such units. How can a figure disclose what percentages of ink are being deposited onto a print medium? Accordingly, the rejection of claim 26 based upon Kitahara should be withdrawn. The rejection of claims 28-34, 36-38 and claims 68, which depend from claim 26, should be withdrawn for the same reasons.

D. Claim 28

Claim 29 depends from claim 26 further recites transferring at least one more percentage of the imaging medium with one or more print bar assemblies onto the print media with one or more print bar assemblies of at least one other print unit, a percentage of the imaging medium transferred onto the print media by a print in a corresponding to the number of print units.

Kitahara fails to disclose that a percentage of imaging medium transferred onto the print media by opinion it corresponds to the number of units. Accordingly, the rejection of claim 29 should be withdrawn.

E. Claims 37 and 38

Claims 37 and 38 depend from claim 26. Each recites heaters or components of first and second heaters that ENVELOP a portion of the print media.

Kitahara fails to disclose any such heaters that ENVELOP the print media. In rejecting such claims, the Office Action refers to Figures 44-45 of Kitahara. However, the Examiner's characterization of what Kitahara teaches is incorrect. As shown by Figure 44, heaters 249-251 only extend on a single side of the media. Likewise, in Figure 45, heaters 269-271 only extend on a single side of the media. As known to those of ordinary skill in the art, the term envelop

means to extend on opposite sides. Kitahara clearly does not show this. Accordingly, the rejection of claims 37 and 38 should be withdrawn.

F. Claim 67

Claim 67 depends from claim 1 and recites that a first set of print bar assemblies transfers a chromatic color, a second set of print bar assemblies transfers the same chromatic color AND that the first print bar assembly and the second print bar assembly transfer substantially the same percentages of imaging medium onto the print media, the percentages corresponding to a number of print bar assembly sets in the printing system.

Nowhere does Kitahara even remotely disclose print bar assemblies that transfer the same chromatic color AND that the first print bar assembly and the second print bar assembly transfer substantially the same percentages of imaging medium onto the print media, the percentages corresponding to a number of print bar assembly sets in the printing system. The Office Action merely refers to Figures 2-8. Applicants respectfully request the Examiner specifically point out where Kitahara allegedly discloses the claim limitations. Otherwise, Applicants respectfully request the rejection of claim 67 be withdrawn

G. Claim 68

Claim 68 depends from claim 26 and further recites a total amount of imaging medium is transferred onto a first side of the print media with a total number N of print units, wherein each print unit transfers a percentage of the imaging medium substantially equal to $100\%/N$.

Kitahara fails to even remotely disclose the limitations of claim 68. Nowhere does Kitahara disclose a total amount of imaging medium is transferred onto a first side of the print media with a total number N of print units, wherein each print unit transfers a percentage of the imaging medium substantially equal to $100\%/N$.

In rejecting claim 68, the Office Action simply refers to Figures 2-43 of Kitahara. The Office Action could just as well have ambiguously cited the entire application. The bottom line is that nowhere does Kitahara disclose the limitations of claim 68. The Office Action has failed to establish a prima facie case of anticipation. Accordingly, the rejection should be withdrawn.

H. Claim 69

Claim 69, as amended, recites a printing system which includes a first set of print bar assemblies, a second set of print bar assemblies and a third set of print bar assemblies. The first set of print bar assemblies, the second set of print bar assemblies and the third set of print bar assemblies each collectively span a width of the print media. Each print bar assembly of the first set of print bar assemblies and the second set of print bar assemblies transfers a first color of imaging medium across an entire width of the print media. The third set of print bar assemblies are located between the first set of print bar assemblies and the second set of print bar assemblies and transfer a second different color of imaging medium onto the print media.

Kitahara fails to disclose three sets of print bar assemblies, wherein the middle print bar assembly transfer is a different color than the first and third print bar assemblies. Accordingly, claim 69, as amended, overcomes the rejection.

I. Claim 70

Claim 70 recites a printing system which includes a first set of print bar assemblies and a second set of print bar assemblies that transfer the same chromatic color and wherein the first set of print bar assemblies and the second set of print bar assemblies transfer the same percentage of the imaging medium, the percentages corresponding to a number of print bar assembly sets in the printing system.

Kitahara does not even remotely disclose such second print sets of print bar assemblies transferring the same chromatic color and the same percentage of imaging medium. Accordingly, rejection of claim 70 should be withdrawn.

IV. Conclusion

Upon entry of the amendments to the claims as set forth above, claims 1, 2, 5-8, 10, 12, 16, 26, 28-34, 36-38, 52 -60 and 62-63 and 66-70 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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